

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board

Paper No.31

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte STEVEN M. HANCOCK and MARK A. PIETRAS

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Appeal No.1999-2818  
Application No.08/502,037

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ON BRIEF

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Before URYNOWICZ, BARRETT, and BARRY, Administrative Patent Judges.

URYNOWICZ, Administrative Patent Judge.

Decision on Appeal

This appeal is from the final rejection of claims 1 and 3-29, all the claims pending in the application. In the answer to appellants' brief, the examiner stated that he now considers claim 23 allowable in view of the brief.

We reverse but enter a new ground of rejection.

The invention pertains to apparatus and method of modifying a blitter operation. Claim 1 is illustrative and reads as follows:

1. Apparatus for modifying a blitter operation which, in response to a blitter request, converts source image data to target image data in a manner specified by a blitter description, the apparatus being responsive to a change in the blitter description and comprising:

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means, responsive to the changed blitter description, for generating computer instructions for converting source image data in a first color format to target image data in a second color format in a manner specified by the changed blitter description; and

means, responsive to the blitter request, for executing the computer instructions generated by the generated means to convert the source image data to the target image data in a manner specified by the changed blitter description during the blitter operation.

The references relied upon by the examiner are:

Peaslee et al. (Peaslee) 1994	5,276,798	Jan. 04,
Harris 1995	5,394,523	Feb. 28,
Whitmer 1997	5,604,850	Feb. 18,
		(filed Jul. 06,
1992) Katsura et al. (Katsura) 06, 1998	5,706,034	Jan.
		(filed Dec. 19,
1994)		

Claims 1, 3-22 and 24-29 stand rejected under 35 U.S.C. § 103 as unpatentable over Whitmer in view of Peaslee, Harris and Katsura.

The respective positions of the examiner and the appellant with regard to the propriety of these rejections are set forth in the examiner's answer (Paper No. 28) and the appellants' brief (Paper No. 27) and reply brief (Paper No. 29).

#### Appellants' Invention

Appellants' invention is adequately described at pages 2-4 of the brief and is apparent from a reading of claim 1.

Opinion

At page 5 of the brief, appellants state that claims 1, 3-22 and 24-29 stand or fall together as a group.

We will not sustain this rejection.

With respect to claim 1, it is considered that the examiner has not set forth a convincing suggestion or motivation for combining the prior art. The examiner states to the effect that Peaslee, Harris and Katsura teach advantages of graphics rendering, and concludes that because of these teachings one of ordinary skill in the art would have found it obvious to combine this art with Whitmer. This statement is inadequate because the examiner has not set forth what advantages of graphics rendering he has in mind such that we can review his position.

With respect to Figure 9 of Katsura, we note that this reference alone discloses at column 6, lines 56-59, that unit 2026 executes a BITBLT (blitter) operation such as a color operation and various logic operations in accordance with a predetermined operation mode. However, we agree with appellants' position to the effect that this teaching is not sufficiently detailed to amount to a teaching of converting source image data in a first color format to target image data in a second color format during a blitter operation.

New Ground of Rejection Pursuant to 37 CFR § 1.196(b)

The reference relied on in the new ground of rejection is:

"Programmer's Guide to the EGA, VGA, and Super VGA Cards" by Ferraro, Addison-Wesley Publishing Company, Inc., Third Edition,

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pages 47-52, Aug. 1994.

Claims 1, 6, 11, 17 and 24, all of the independent claims on appeal, are rejected as unpatentable over Ferraro under 35 U.S.C. 103(a). At page 47, under Section 2.8.5 titled "Block Transfers", Ferraro discloses that block transfers move a block of data from a source location to a destination location. At page 51 of that section under "Color Expansion", the reference teaches that a popular function in computer graphics is to transfer data that is in one color format to a second color format during the move operation. This is a teaching of appellants' invention of performing color conversion during a blitter operation. It is apparent that the conversion would have been accomplished by computer instructions generated within processing apparatus, which apparatus would have included means for executing the instructions.

#### Summary

The rejection of claims 1, 3-22 and 24-29 is reversed.

A new ground of rejection has been entered against independent claims 1, 6, 11, 17 and 24. The issue of the patentability of dependent claims 3-5, 7-10, 12-16, 18-22 and 25-29 over Ferraro is left for the examiner's determination.

The new ground of rejection is not final for purposes of judicial review. 37 CFR § 1.196(b). This rule also provides that the appellants, WITHIN TWO MONTHS FROM THE DATE OF THE DECISION, must exercise one of the following two options with respect to the

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new ground of rejection to avoid termination of proceedings (§  
1.197(c)) as to the rejected claims:

(1) Submit an appropriate amendment of the claims  
so  
rejected or a showing of facts relating to the claims so  
rejected, or both, and have the matter reconsidered by the  
examiner, in which event the application will be remanded to  
the examiner...

(2) Request that the application be reheard under  
§ 1.197(b) by the Board of Patent Appeals and Interferences  
upon the same record...

No time period for taking any subsequent action in connection  
with this appeal may be extended under 37 CFR § 1.136(a).

REVERSED - 37 CFR § 1.196(b)

STANLEY M. URYNOWICZ JR.	)	
Administrative Patent Judge	)	
	)	
	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	APPEAL AND
Administrative Patent Judge	)	INTERFERENCES
	)	
	)	
	)	
LEONARD LANCE BARRY	)	
Administrative Patent Judge	)	

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ANDREW J. DILLON  
FELSMAN, BRADLEY, GUNTER & DILLON, LLP  
SUITE 350, LAKEWOOD ON THE PARK  
7600 B NORTH CAPITAL OF TEXAS HIGHWAY  
AUSTIN, TX 78731